

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

1700 K STREET
SACRAMENTO, CA 95814-4037
TDD (916) 445-1942



POLICY FOR ACCESS TO PUBLIC RECORDS

PUBLIC RECORDS ACCESS GUIDELINES

Access to information concerning the conduct of the public's business is a fundamental and necessary right of every person in the state. Records of the Department of Alcohol and Drug Programs (ADP) which are not exempt from disclosure are available for public inspection and copying upon receipt of a request that reasonably describes an identifiable record or group of records. (Government Code Section 6250 *et seq.*) ADP adopted these guidelines to ensure that the public understands and can exercise the right to inspect and obtain copies of public records. A copy of these guidelines is posted in ADP headquarters and on the ADP website. A copy of these guidelines will be provided, without cost, upon request.

WHAT ARE PUBLIC RECORDS?

"Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state agency regardless of physical form or characteristics.

"Writing" means any handwriting, typewriting, printing, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

HOW DO I GET ACCESS TO PUBLIC RECORDS?

Requests for public records may be made in writing or over the telephone. However, for clarity, the ADP recommends that you send a written request for public records. The request should be mailed or faxed to:

Public Information Officer
Department of Alcohol and Drug Programs
1700 K Street, 5th Floor
Sacramento, CA 95814
Telephone: (916) 323-1706
Fax (916) 323-5873

It is important to include the following information in a request so that you can have access in a timely manner:



DO YOUR PART TO HELP CALIFORNIA SAVE ENERGY
For energy saving tips, visit the Flex Your Power website at
<http://www.flexyourpower.ca.gov>

- A statement that you are requesting records under the Public Records Act;
- A clear description of the information requested. If possible, identify the dates, subjects, titles or authors of the documents requested. ADP is not required to create a record that does not exist in order to satisfy a request (e.g. to synthesize manufacture or summarize a record); and
- Whether you want a copy of the records, or to set an appointment to personally review the records.

ADP may request additional information from you if the request is not specific enough to permit identification of the requested records. If ADP determines the records are public records, ADP will provide the records as promptly as is reasonably possible.

If you want an electronic copy of a record, ADP will provide it in the software program that ADP holds the information.

WHAT RECORDS ARE NOT OPEN TO THE PUBLIC?

The Legislature established certain categories of documents which may be exempt from public disclosure. A complete list of exemptions may be found in Government Code Section 6254, and 6276 *et seq.* In general, ADP records that are exempt from disclosure include, but are not limited to, the following:

- 1) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by ADP in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.
- 2) Records pertaining to a claim or lawsuit to which ADP is a party until the lawsuit or claim has been finally adjudicated or otherwise settled.
- 3) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- 4) Records of complaints to or investigations conducted by, ADP for licensing or certification purposes, until the investigation or licensing action is completed.
- 5) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination.
- 6) Records where disclosure is exempted or prohibited by federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege and 42 C.F.R. Part 2.

- 7) Correspondence of and to the Governor or employees of the Governor's Office or in the custody of or maintained by the Governor's Legal Affairs Secretary.
- 8) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with the licensing agency to establish his or her personal qualification for the license, certificate, or permit applied for.

ADP may also determine a record is exempt from disclosure if the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. ADP's determination to disclose a record that may be otherwise exempt from disclosure does not constitute a waiver with respect to any other records.

WHEN CAN THE PUBLIC RECORDS BE VIEWED?

You may request that a copy of a public record be mailed to you or you may inspect the public record in person. Public records are open for inspection during ADP business hours, 8 a.m. to 5 p.m., Monday through Friday, except for State holidays. ADP requests that a person wishing to inspect public records telephone the Public Information Officer to schedule an appointment to inspect the records. The inspection will be scheduled for a specific time when it will not unduly interfere in ADP's performance of other duties.

If the records are inspected in person, the following rules will be followed to ensure the integrity of ADP's records:

- No file may be removed from the file review area.
- The file may not be disassembled.
- File documents may not be marked in any manner. Paper clips and or post-it notes may be used for temporary referencing. The records attendant can provide you with these materials if needed.
- ADP staff must do any required photocopying.

If the request is over 100 pages, you may arrange for a private photocopying service to come to ADP to copy records after an appointment has been made. A designated ADP staff member will be present to ensure that no records are removed or altered. The photocopy company may not use state resources to make the photocopies.

WHAT IF I AM DISABLED AND NEED A REASONABLE ACCOMMODATION TO ACCESS THE PUBLIC RECORDS?

If you are disabled and require a reasonable accommodation to access ADP's public records, you may contact the ADP's Americans with Disabilities Act (ADA) coordinator in writing at:

**Fred Williams, ADA Coordinator
Department of Alcohol and Drug Programs
1700 K Street
Sacramento, CA 95814**

You may also telephone the ADA Coordinator at (916) 445-0643 or use TTY number (916) 445-1942.

WHAT DOES IT COST?

Currently there is no charge for the cost of duplicating less than 10 pages. For 10 pages or more, the fee is \$.10 per page. If information is requested in electronic format, you will be charged for the cost to construct a record and the computer and programming time needed. The cost could be significant, depending on the intricacies and complexity of the request. An estimate of the expense will be provided. However, records will not be released until the fee is paid.

Fees may be waived. If you want a waiver of fees, then please include why you believe you are entitled to the fee waiver in your request for the public records.

WHEN WILL I GET A RESPONSE FROM ADP?

Within 10 days from the date the request is received, ADP will decide whether the records are exempt from disclosure and notify you of the decision. In unusual circumstances, the 10-day limit may be extended. However, ADP will send you a letter explaining what unusual circumstances make the additional time necessary. Unusual circumstances include:

- 1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- 2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- 3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request.
- 4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

WHAT WILL BE IN THE RESPONSE?

In responding to a request for public records, ADP will advise you by mail or fax, as appropriate, of:

- The location, date and time at which the records may be inspected, if you want to see the records in person;
- The cost of providing such copies, if copies are requested;
- The estimated cost and time needed to fulfill the request, if electronic information is requested; and
- The reason for non-disclosure if any of the documents are exempt from disclosure.

ADP will begin copying paper or electronic records after payment is received.

WHAT RIGHTS DO I HAVE IF I DISAGREE WITH ADP'S RESPONSE?

California law allows you to seek injunctive or declaratory relief in court to enforce the right to inspect or to receive a copy of a public record. (Government Code Section 6258.)